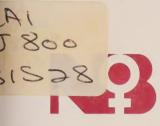


Canada. Committee on Sexual Offences against Children and Youths

Breaking the silence: a study of sexual...

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Advisory Council on the Status of Women Conseil consultatif sur la condition de la femme

# BREAKING THE SILENCE:

A STUDY OF SEXUAL ASSAULTS AGAINST CHILDREN AND YOUTHS

A presentation to the

COMMITTEE ON SEXUAL OFFENCES AGAINST CHILDREN AND YOUTHS

from

The N.B. Advisory Council on the Status of Women

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#### INTRODUCTION

With this brief, the New Brunswick Advisory Council on the Status of Women expresses horror at the extent of sexual assaults of children and youths and extreme concern about the ineffective methods society uses to deal with these assaults.

Perhaps the most alarming aspect of the problem is the air of secrecy that surrounds it. We encountered difficulty amassing New Brunswick and even Canadian statistics concerning the Social, judicial and mental health agencies have either roundabout or no methods of classifying such information. People do not want to talk about sexual abuse of children; people do not want to face it. In most cases neither the victim, the family of the victim, nor the abuser either can or will even, discuss the sexual abuse. People hope it will disappear; others wonder why sexually assaulting a child (as in incest) is wrong. This extreme confusion surrounding the ethics, nature and extent of this problem has created an atmosphere of fearful hush-hush in some circles, laissez-faire in others, and of paralysed limbo in general. Nobody knows what to do.

If the voluntary organizations and the professional communities who often come in contact with potential or actual victims of child sexual abuse do not now establish firm, clear, action-oriented policies on identifying and handling (according to the capacity of the professional or the volunteer) cases of suspected or confirmed sexual assaults of children, we will all be guilty of perpetuating the sexual abuse of children. And we will be guilty of contributing to the child sexual abuse victims' manifestations of self-hate and inner pain. Various studies reveal that most prostitutes, sufferers of multipersonality disorders, runaways and female drug abusers are victims of child sexual assault, especially incest. Sexual abuse of children is our problem. The children are the future and we must protect them.

But how exactly can we best do this? First we must clearly identify what child sexual assault is, how frequently it occurs and how we are presently dealing with the problem. Once the problem is laid bare in its psychological, social and legal aspects, we can shake off our paralysis and begin to act effectively. Our examination of sexual offences against children and youths is limited to a brief overview of the above aspects: the various forms of sexual assaults and exploitation of children, the statistics (wherever possible from New Brunswick) indicating the extent of such abuse and recommendations as to how such abuse can better be combatted legally and socially.

## WHAT IS SEXUAL ASSAULT?

Sexual assault or the sexual exploitation of children and youths denotes, in its very name, the gross misuse of power and authority by an adult. Whether the child or youth is a victim of incest - sexual interference in any form by a blood relative or steprelative or guardian, or of sexual molestation or rape by a stranger, the young person, merely because of his/her inferior social status, is abused for the gratification of an adult. The child has neither the freedom to refuse advances nor the maturity to give informed consent. The innumerable studies revealing the emotional trauma experienced by the child sexual assault victim further confirm categorically the absolute unacceptability of sexual abuse in any form of a child or youth by either a relative or a stranger.

It must be emphasized in the face of the continuing debate as to whether or not a young victim of sexual assault is psychologically or emotionally traumatized that proof of such traumatization is not even necessary for condemnation of the sexual abuse of children. The thinking and compassionate person knows that the abuse of superior social or familial status for any reason and particularly sexual gratification is a flagrant assault on human dignity. When a human being loses the right -

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or because of inferior social status due to age has not yet the ability - to refuse sexual advances s/he loses the sacred right to self. Viewed in such a context, are we to be surprised at the emotional trauma experienced by young victims of sexual assault?

### PORNOGRAPHY AND CHILDREN

The production of pedophiliac material is another form of sexual exploitation of children, done not only for sexual gratification of an adult or adults but for the financial gain of the same as well. Whether or not minors are used in the production of the material, the false image this material advocates of a child's seductiveness or of his/her willingness to be seduced are assaults on the rights of all children to develop their own sexuality at their own pace. We do not even have to examine the numerous 'pornographic magazines specializing in pedophilia (Robin Lloyd, author of For Money or Love, counted "264 different child porn magazines" - Kreps, "The Case Against Pornography", p.8) to find images of exploitation of children. A survey of the so-called soft porn magazines (eg Playboy, Penthouse) quickly reveal their, at times subtle and at times blatant, advocation of the sexual abuse of children (Kreps, "The Case Against Pornography").

## COMBATTING THE PORNOGRAPHIC EXPLOITATION OF CHILDREN

Using children to produce sexually explicit or pornographic material for the gratification of adults, using images of seductiveness, sexual innuendo, domination, violence, bestiality or cruelty is sexual exploitation of children. More, it is hate propaganda against children. Section 281.2 of the Criminal Code should not only be amended to include hate propaganda against women as the National Coalition Against Media Pornography has recommended, but also hate propaganda against children.

By nature, the definition of pornographic or obscene material is difficult. To skirt this problem, labor standards could be used

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to combat the production in Canada of pornographic material using children. Every province except Quebec has strict labor laws concerning the age of the employee. Health and safety regulations are also strictly coded. These labor laws should be rigorously expanded to deal specifically with the abusive conditions under which child or youthful models for sexually suggestive productions must work. Furthermore, all child modelling agencies should be specifically categorized under strict labor codes to prevent sexual abuse of children or to facilitate intervention in cases thereof. Such labor laws. applied, would combat child pornography at its very core: its creators. Such codes, well advertised, would serve as an example to the other countries where production of such material is more abundant. The assault sections of the Criminal Code would also be effective. We know that many children used in the production of such material are often drugged, beaten, or otherwise abused.

Our concern with children and pornography is not limited to the use of children or their images in its production, but also encompasses its general availability. No law in New Brunswick forbids or controls the sale of pornographic material to children. It is easily and affordably procured at any corner store or pharmacy. Because of the lack of sex education both in schools and too often at home, pornographic material, usually in the print form, becomes the paramount and twisted form of sex Gatineau's "Manifeste du Comité education of young adults. contre la pornographie" well describes the sexual confusion young people experience when faced with images of violent and domineering males, who can hold erections for hours, have incredibly long penises, and who force their passive, smiling, masochistic female partners into various sexual acts. Young victims of sexual abuse are to be all the more confused when ubiquously confronted - mentally assaulted - by such material.



## CHILD SEXUAL ASSAULT VICTIMS - HOW MANY?

How many such victims are there? The head of the Community Commitee for Child Protection Services for the Moncton District and expert in child abuse, Dr. Walker, said "No accurate statistics on the sexual abuse of children exist. Such abuse is greatly underreported." The New Brunswick Department of Social Services, which is mandated to deal with such cases, opened in 1978-80 69 cases of sexual abuse of a child under 16; in 1980-81 they opened 81 such cases, and in 1981-82 they opened 83 such cases.

N.B. Dept. of Social Services' percentages of types of child abuse cases opened.

	1979-80	1980-81	1981-82
Sexual abuse	4.8%	6.8%	8.1%
Physical abuse	16.4%	15.2%	14.2%
Neglect	70.0%	68.4%	68.1%
Other	8.9%	9.6%	9.2%

These are familial statistics. All studies agree that at least three-quarters of all child abuse victims of sexual assault know their abusers and at least 97% of the offenders are male. The Social Services' spokesperson attributes the increase in sexual abuse cases in part to the mandatory reporting of suspected abuse section of the 1980 New Brunswick Child and Family Services and Family Relations Act and in part to an increasing awareness of professionals and the public of sexual abuse of children.

But Social Services social workers and administrators assert that they are only scratching the surface of the problem. A Moncton police spokesperson stated statistics he has at his disposal indicate that for every three cases of child physical abuse there are five cases of child sexual abuse. Clearly hundreds of cases of sexual abuse of children are going unreported in New Brunswick and elsewhere. Why?



### MANDATORY REPORTING - AN EVALUATION

Let us examine more closely the legal and social aspects of the problem. In New Brunswick in 1980 mandatory reporting was established by section 30 (1) of the Child and Family Services and Family Relations Act. Any person suspecting any form of child abuse must immediately report the case to Social Services. Professional persons who fail to comply are singled out as liable to reprimand.

This section could be a powerful tool in combatting or at least intervening in cases of sexual abuse within a family. However, the professional persons deemed especially liable to report such abuse, in most cases, have neither the training to detect signs of sexual abuse nor the knowledge of how to handle situations when sexual abuse is revealed to them.

The New Brunswick Department of Social Services has produced model policies for hospitals and schools regarding child abuse. However, these policies do not deal in any depth with sexual abuse. In the "Model Policy and Procedures on the Reporting of Suspected Abused or Neglected Children by Persons Working in Schools", incest is mentioned only once, as an abuse that victims may tell their secondary school teachers or counsellors about. The fact that this type of abuse often begins when the victim is prepubescent is ignored. The fact that most victims never mention the abuse is not grappled with at all. Day care workers, kindergarten teachers, elementary school teachers, as well as secondary school teachers, must know the signs of sexual abuse and how to intervene in such cases. The fact that legally they are required to report suspected sexual abuse is hardly going to help the victims of such abuse if the professionals do not know how to identify even the possibility of such abuse.



The Campbellton Community College, which offers the province's first and only course to train day care workers, is to be commended for its inclusion in its program a discussion of the sexual abuse of children. The psychological, physical and legal aspects of the problem are covered in six hours; however, as the director of the curriculum noted, "Perhaps not as deeply or thoroughly as should be because it is a difficult subject to deal with. Our discussion is highly theoretical. It is not a problem our students are likely to encounter during their brief practical work during the course."

#### NEED FOR EDUCATION

Members of all levels of the health, teaching, social services and counselling professions and the police must receive in-service training on the detection of sexual abuse of children, on dealing compassionately with the victim and on handling the case. They must know their legal, social and professional responsibilities regarding such cases. This training must be incorporated immediately into the present curriculum of each of these professions.

The leaders of such groups as the Boy Scouts, the Girl Guides and Boys and Girls Clubs which see the same children regularly must be given similar training. Their federations must make clear policies on how to identify and deal with suspected cases of child sexual abuse.

The Community Committee for Child Protection Services for the Moncton District must be commended for their efforts in this vein. However, they cannot educate alone. National Health and Welfare is in the strongest position to educate the public. They should produce educational kits on child sexual abuse to be sent to all concerned professionals and volunteer groups and well advertise the fact that they have produced them. They should produce pamphlets on sexual abuse occuring within the family and send them out in family allowance cheques as they did



concerning the problem of battered women. Promotion and financial assistance of crisis lines for victims or abusers, and for groups such as Parents Anonymous must also take place.

## AFTER REPORTING - WHAT IS DONE

Now, once the report of suspected sexual abuse is made to Social Services - what is done? Social workers in the Child Protection Branch of Social Services affirm that each case concerning the sexual abuse of a child is dealt with individually. But as one of the heads of the Branch said, "Even concerning one case there may be debate among the social workers about what should be done. The fact is," the spokesperson emphasized, "we have no specialists for treating cases involving the sexual abuse of children. We are not always clear as to what is best for the child, the family, or the abuser." Optimal treatment in such a context is not possible. The New Brunswick Department of Social Services must take it upon itself to produce specialists in this field. National Health and Welfare should sponsor a national conference of members of provincial social services departments concerned with the sexual abuse of children to facilitate and accelerate the exchange of information and experience concerning the treating of the young victim of sexual abuse, his/her family, and abuser.

#### LEGAL ASPECTS

Practically none of the sexual abuse cases seen by Social Services go to court. As the Social Services spokesperson affirmed, legal proof of sexual abuse in these cases is often very weak. However, Social Services is working on a policy with the police and the crown prosecutors with the intention of making more use of the weight of the law.

Numerous studies have revealed that once a case of sexual abuse is uncovered and the abuser and/or the family is reluctant to enter treatment, given the choice between facing the courts and facing a therapist they choose the latter. Obviously their cases will be more effectively treated once Social Services and



the police have established a clear policy of how together they can handle them. We urge them to do so swiftly. The Service of Family Consultants of the London Police Force and the Restigouche Family Crisis Interveners ought to be closely studied by Social Services and the provincial police for their innovativeness and effectiveness in dealing with family crisis matters, with special consideration given to cases involving child sexual abuse.

But on the other side of the coin, because of the social stigma and the heavy criminal penalty attached to incest and other forms of sexual abuse, victims and their families are afraid to seek help. We affirm, however, that there must be a place in the Criminal Code for dealing with the sexual interference of children within a family. Rather than being the primary measure of dealing with the problem, though, the Criminal Code should be used as a back-up measure when other treatments by Social Services or other counselling organizations fail.

The section dealing with incest should be rewritten to include sexual misconduct of any form with a child under 14 by any blood relative or step-relative. ("Stepfathers are five times more likely to molest a child in their care than natural fathers" - Summit, Typical Characteristics of Father-Daughter Incest p.13). A similar clause should cover sexual interference of any form with a person over 14 but under 18 years by any blood relative or step-relative, who has authority over the victim, or upon whom the victim is dependent. Emphasis must be placed on the gross misuse of power and authority by the abuser. Cases involving sexual abuse of a child within a family should take place in a special setting - a judge's chamber or home-like room - in an atmosphere that would be the least upsetting for the child and the family.



CHILDREN: LEARNING TO PROTECT THEMSELVES

But, we are forgetting the children. We must create all the necessary social and judicial legislation to protect them, yes. But, they must know how to protect themselves. Parents telling their children to stay away from strangers is a woefully inadequate warning since most offenders are known to the victim. In the day cares, in the kindergartens, in the elementary schools, in the secondary schools, at levels appropriate to the age of the students, children and youths must be taught how to deal with the sexual advances of an adult. We know that in many cases if the victim knew how to say no, how to decline the advance, or how to thwart the coercion, no abuse would take place; and in most other cases, if the victim knew that s/he had someone s/he could trust to go to, s/he would be more likely to reveal the abuse at a young age, before much of the emotional damage has been done. We must face the fact that most sexual abuse of children takes place in the home, or nearby, by someone the child trusts.

Theatrical presentations in schools in B.C. and Toronto and various American states attest that the subject can be presented in a manner neither alarming nor confusing for the child. Pornography, as well as sexual assault, must be discussed at the secondary school levels in family life programs. The violent, anti- humanity images pornography advocates must be laid bare. Such education, appropriate to the grades of the students, will alleviate the powerlessness, the confusion, the fear and the isolation of the young victims of sexual assault.



CONCLUSION: BREAKING THE SILENCE

Most important of all, we urge the victims of child sexual abuse to break their silence. Only when in all their numbers and their force, they tell their side of the story, can we begin to treat their needs. The judicial and social agencies dealing with cases of suspected or confirmed child sexual abuse are called upon to keep clear, at-hand statistics. Until they do that, they will be perpetuating a fearful, crippling silence.

Power is in the word, in the knowing. And with power comes change. We fervently hope - for the sake of our children - that that power and that change come soon.

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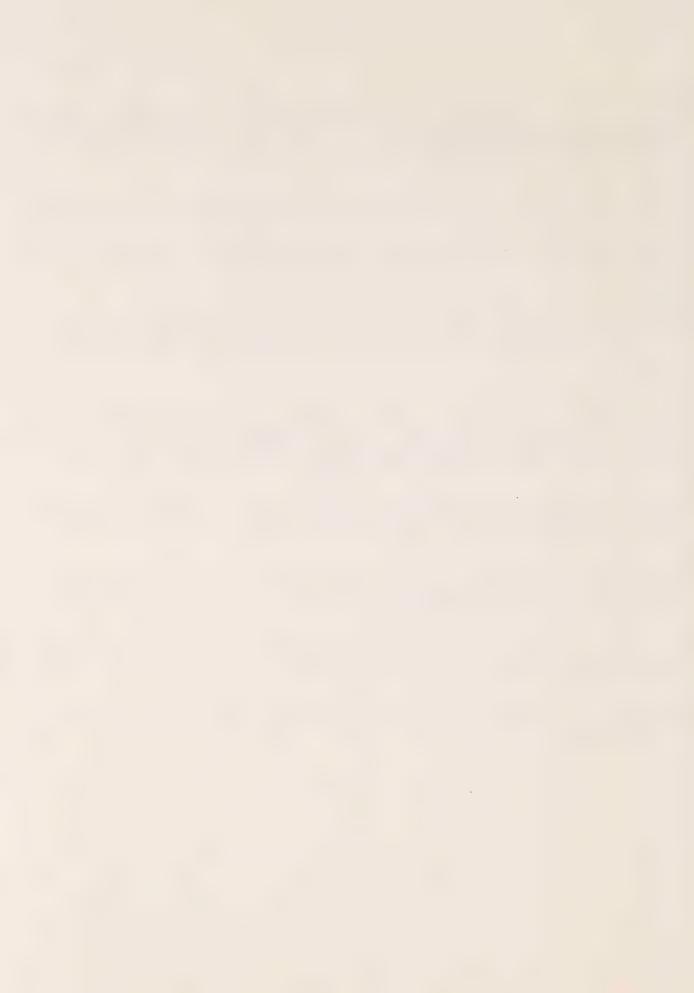
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